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PTO/SB/21 (09-04)

Approved for use through 07/31/2008, OMB 0851-0031

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<b>TRANSMITTAL FORM</b>	Application Number	10/658,241	
	Filing Date	September 8, 2003	
	First Named Inventor	Alan P. Kozlowski	
	Art Unit	1628	
	Examiner Name	T. Sejola	
(to be used for all correspondence after initial filing)		Attorney Docket Number	105942-53915
Total Number of Pages in This Submission			

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Gibbons, Del Deo, Dolan, Griffinger & Vecchione		
Signature	<i>Margaret B. Kelley</i>		
Printed name	Margaret B. Kelley		
Date	August 23, 2005	Reg. No.	29,181

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	<i>Margaret M. Gilao</i>		
Typed or printed name	Margaret M. Gilao	Date	August 23, 2005

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/IB/17 (12-04v2)  
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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4619).

# **FEE TRANSMITTAL**

## **For FY 2005**

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

### **Complete if Known**

Application Number 10/658,241  
Filing Date September 9, 2003  
First Named Inventor Alan P. Kozikowski  
Examiner Name T. Solola  
Art Unit 1626  
Attorney Docket No. 105942-53915

### **METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_  
☒ Deposit Account Deposit Account Number: 03-3839 Deposit Account Name: Gibbons, Del Deo (et al.)  
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)  
☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.18 and 1.17 ☐ Credit any overpayments

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### **FEE CALCULATION**

#### **1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

#### **2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims 30 - 20 or HP = 0 x 0 = 0  
HP = highest number of total claims paid for, if greater than 20.

Indep. Claims 9 - 3 or HP = 0 x 0 = 0  
HP = highest number of independent claims paid for, if greater than 3.

#### **3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets 9 - 100 = 0 / 50 = 0 (round up to a whole number) x Fee (\$)

#### **4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge):

#### **SUBMITTED BY**

Signature Margaret B. Kelley Registration No. 29,181 Telephone 212-554-9629  
Name (Print/Type) Margaret B. Kelley Date August 23, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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 Washington D.C., 20231

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 via facsimile number 571-273-8300

Date: August 23, 2005

Name: Margaret M. Gilson

Signature: Margaret M. Gilson  
Gibbons, Del Deo, Dolan, Griffinger & Vecchione, P.C.

Attorney Docket No: 105942-53915

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alan P. Kozikowski, et al.

Filed: September 9, 2003

TC/AU: 1626

Serial No.: 10/658,241

Examiner: T. Solola

Confirmation No.: 4114

Customer No.: 26345

For: Synthesis of Dimeric, Trimeric, Tetrameric, Pentameric, and High Oligomeric Epicatechin-derived Procyanidins Having 4 $\beta$ ,8-Interflavan Linkages and Their Use to Inhibit Cell Growth Through Cell Cycle Arrest.

AMENDMENT TRANSMITTAL

Honorable Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a(n):

☐ Preliminary Amendment☒ Amendment

for the above-identified application.

☐ A Petition for Extension of Time for the present application is also enclosed

The fee has been calculated as shown below:

	Claims Remaining After Amendment	Highest Number Previously Paid For	Extra Claims	Fee for each extra claim	Additional Fee
Total Claims	30	51	0	\$50	0.00
Independent Claims	9	9	0	\$200	0.00
First Presentation of Multiple dependent claim				+\$360	0.00
Sub-Total					0.00
Small Entity?				Less 50%	-0.00
<b>TOTAL FEE DUE FOR AMENDMENT</b>					<b>0.00</b>

Date: August 23, 2005

Respectfully submitted,

Margaret B. Kelley  
 Margaret B. Kelley, Reg. No. 29,181  
 GIBBONS, DEL DEO, DOLAN, GRIFFINGER  
 & VECCHIONE  
 One Pennsylvania Plaza-37<sup>th</sup> Floor  
 New York, New York 10119  
 (212) 649-4700

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Alan P. Kozikowski et al.

Art Unit: 1626

Serial Number: 10/658,241

Examiner: T. Solola

Filed: September 9, 2003.

Confirmation No: 4114

Title: SYNTHESIS OF DIMERIC, TRIMERIC,  
TETRAMERIC, PENTAMERIC, AND  
HIGHER OLIGOMERIC EPICATECHIN-  
DERIVED PROCYANIDINS HAVING 4 $\beta$ , 8-  
INTERFLAVAN LINKAGES AND THEIR  
USE TO INHIBIT CANCER CELL GROWTH  
THROUGH CELL CYCLE ARREST

Attorney Docket: No.: Gibbons 105942-53915  
(formerly 5677-177)

Customer No: 26345

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**A M E N D M E N T**

Sir:

This is submitted in response to the Office Action mailed May 24, 2005. A response is due August 24, 2005.

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** begin on page 4 of this paper.

**Remarks/Arguments** begin on page 9 of this paper.